

June 12, 2006

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VIA FACSIMILE AND FIRST CLASS MAIL

Beth Mizuno, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5740
Nethercutt for Senate and Catherine Gemes, in her official capacity as treasurer

Dear Ms. Mizuno:

In response to the Federal Election Commission's finding that Nethercutt for Senate and Catherine Gemes, in her official capacity as treasurer ("Respondents" or "Committee") violated a provision of the Federal Election Campaign Act of 1971, as amended ("the Act")

I. Background.

The Commission's Factual and Legal Analysis recounts the straightforward facts of this matter. The Committee timely filed its 2004 July Quarterly Report on July 15, 2004. The report was over 1,200 pages, and disclosed over \$2 million in receipts and about \$1 million in disbursements. The Committee voluntarily amended its 2004 July Quarterly Report, an amendment affecting seven itemized entries. The largest adjustment, accounting for 96% of the amount cited by the Commission, was the addition of a single payment to one vendor. As explained in a timely response to a Request for Additional Information dated October 26, 2004, the omissions were due to a data entry issue and, immediately upon discovery, the amended report was prepared and filed to vitiate any violation.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Eric S. Brown".

Benjamin L. Ginsberg
Eric S. Brown

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